

RECEIVED

JUN 01 2017

Mary McNamara, SBN 147131
August Gugelmann, SBN 240544
SWANSON & McNAMARA LLP
300 Montgomery Street, Suite 1100
San Francisco, California 94104
Telephone: (415) 477-3800
Facsimile: (415) 477-9010

Attorney for Defendant AL HAGGAGI

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

ORIGINAL

FILED

JUN 02 2017

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Case No. 16-MJ-71531- MAG

Plaintiff,

vs.

[PROPOSED] ORDER RE: USE OF
DIGITAL TABLET IN CUSTODY

AMER SINAN AL HAGGAGI,

Defendant.

[FILED UNDER SEAL]

TO: GREGORY J. AHERN, THE SHERIFF OF ALAMEDA COUNTY, AND TO THE
ALAMEDA COUNTY SHERIFF'S OFFICE GLENN E. DYER DETENTION FACILITY:
Counsel for the defendant has represented that discovery in this case is voluminous, or is in a
digital format that can only be efficiently reviewed by the defendant on a digital tablet. The
Court therefore orders that Defendant Amer Al Haggagi be permitted to use a digital tablet for
the sole purpose of reviewing discovery and legal materials from the media storage device that
relate to his/her criminal case, under the following conditions:

1 1. The Technical Support Unit of the Alameda County Sheriffs Office (“ACSO”)
2 will provide the make, model, and specifications required for the digital tablet. Password-
3 protected software will be installed to lock down the tablet, and prevent access to the internet or
4 any and all wireless communication (including but not limited to, WI-FI, LTE, 4G, etc.), games
5 or entertainment programs of any kind. The digital tablet, and any media storage device provided
6 to be installed into the tablet (such as a SD or micro-SD card) shall contain no image or files
7 other than discovery, case law, and work product relevant to the criminal case.

8 2. The digital tablet, media storage device, headphones, and charging unit shall be
9 purchased by retained or appointed counsel. The digital tablet, lockdown software, and
10 installation protocol must be that specifically identified by the Office of the Federal Public
11 Defender for the Northern District of California, as approved by the Technical Support Unit of
12 the ACSO. Only tablets procured with the assistance of the Federal Public Defender will be
13 permitted.

14 3. Discovery, case law, and work product relevant to the criminal case will be stored
15 only on the media storage device (such as a SD or micro-SD card), and may not be loaded on the
16 digital tablet.

17 4. Staff at Glenn Dyer will provide only the tablet, with the media storage device
18 installed, to the defendant. No power cord, or any other type of cord, will be provided to the
19 defendant.

20 5. Before the digital tablet is provided to the defendant, it will be inspected to ensure
21 that its internet lockdown software is operating properly and that the tablet is secure.

22 6. Counsel for the defendant will provide staff at Glenn Dyer a digital media device
23 (such as a SD or micro-SD card) loaded with discovery or case materials. Counsel may request

1 that these cards be rotated, with new cards containing updated discovery and case materials.
2 Updated cards will be installed in the tablet by Glenn Dyer staff, and the previous cards will be
3 returned to defense counsel for re-use. Counsel may not load digital media devices (SD cards or
4 micro-SD cards) directly into the tablet without going through Glenn Dyer Staff, and may not
5 provide digital media directly to the defendant. Tablets and digital media devices may only be
6 provided through Glenn Dyer staff.
7

8 7. Glenn Dyer staff are authorized to scan the contents of the digital tablet and media
9 storage devices provided (such as SD or micro-SD cards), to ensure they do not contain
10 contraband; if the security measures of the tablet are suspected of being breached, the ACSO will
11 conduct a security assessment of the tablet, confiscate the tablet, secure the tablet, and notify the
12 United States Marshal's Service (USMS). The USMS will be responsible for notifying the
13 appropriate law enforcement agency if criminal activity is suspected.
14

15 8. The digital tablet will be stored in the office of the housing floor deputy and/or in
16 the Inmate Services' office. The tablet will be secured and charged at that location, and will be
17 accessible to Defendant Al Haggagi in the housing unit at the Sheriffs sole discretion.
18

19 9. Neither the Sheriffs Office nor the County of Alameda will be responsible for any
20 damage to the digital tablet.
21

22 10. Defendant Al Haggagi shall use the digital tablet for the sole purpose of
23 reviewing discovery and legal materials from the media storage device that relate to his criminal
24 case. Defendant Al Haggagi shall not share the digital tablet, the digital storage device, or the
25 materials loaded onto the tablet or digital storage device, with any other inmate, or with any
26 attorney not appointed to this case, without an order of this Court. Defendant Al Haggagi shall
27
28

1 not access, or attempt to access, the internet or any form of wireless communication (including,
2 but not limited to, WI-FI, LTE, 4G, etc.) with the device.

3 11. Before Defendant Al Haggagi is provided with this digital tablet, he must execute
4 a waiver (a copy of which has been provided to and reviewed by defense counsel).

5 12. Any violation of this order by the defendant, or any use of the tablet that
6 jeopardizes jail security, will result in the immediate confiscation of the digital tablet by the
7 ACSO and the inmate shall not be allowed to use the tablet.

8 13. Among other consequences, any violation of the limitations of this order by
9 counsel may result in the loss of visiting privileges for counsel at the Glenn E. Dyer detention
10 facility.

11 IT IS SO ORDERED.

12 Dated:

13 June 2, 2017



14
15 DONNA M. RYU
16 United States Magistrate Court Judge
17
18
19
20
21
22
23
24
25
26
27
28

1 USA,

2 Plaintiff,

3 v.

4 AMER SINAN ALHAGGAGI,

5 Defendant.

6
7 Case No.4:16-mj-71531-MAG-1 (DMR)

8 *SEALED*

9
10 **CERTIFICATE OF SERVICE**

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
12 District Court, Northern District of California.

13 That on 6/2/2017, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
15 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
16 located in the Clerk's office.

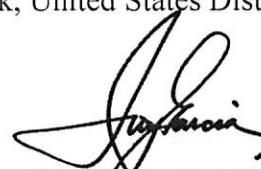
17
18 Mary Geraldine McNamara
19 Swanson & McNamara LLP
20 300 Montgomery St., Ste. 1100
21 Suite 1100
22 San Francisco, CA 94104

23 S. Waqar Hasib
24 U.S. Attorney's Office Northern District of California
25 450 Golden Gate Avenue
26 San Francisco, CA 94102

27 2 Certified copies to:
28 U.S. Marshal
1301 Clay St., Room 150-C
Oakland, CA 94612

29 Dated: 6/2/2017

30 Susan Y. Soong
31 Clerk, United States District Court

32 By: 
33 Ivy Lerma Garcia, Deputy Clerk to the
34 Honorable DONNA M. RYU